

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**JEANIE LAPLANTE,**

**Plaintiff,**

**v.**

**Case No. 8:18-cv-3117-T-AAS**

**ANDREW SAUL,**

**Commissioner,**

**Social Security Administration,<sup>1</sup>**

**Defendant.**

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**ORDER**

Jeanie LaPlante moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 24). The Commissioner does not oppose the motion. (*Id.* at ¶ 6). Ms. LaPlante requests \$3,612.31 in attorney's fees. The EAJA permits awards for reasonable attorney's fees and expenses to a prevailing party against the United States. 28 U.S.C. § 2412.

The February 26, 2020 order remanded the case to the Commissioner under sentence six of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 22). The Clerk entered judgment in favor of Ms. LaPlante. (Doc. 23). Ms. LaPlante now requests an award of attorney's fees under the EAJA. (Doc. 24).

The Commissioner does not contest the following: Ms. LaPlante is the

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<sup>1</sup> On June 17, 2019, Andrew Saul became Commissioner of the Social Security Administration. Consistent with Federal Rule of Civil Procedure 25(d), Mr. Saul is substituted as a party in Nancy Berryhill's place.

prevailing party; Ms. LaPlante's net worth was less than \$2 million when she filed her complaint; the Commissioner's position was not substantially justified; no special circumstances make an attorney's fees award unjust; and Ms. LaPlante's attorney's fees request is reasonable. A court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Therefore, Ms. LaPlante is entitled to \$3,612.31 in attorney's fees.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following this order, the United States Department of the Treasury will determine whether Ms. LaPlante owes a debt to the United States. Ms. LaPlante assigned her rights to EAJA fees to her attorney. (Doc. 24-2). So if Ms. LaPlante has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Thus, Ms. LaPlante's motion for attorney's fees and costs under the EAJA (Doc. 22) is **GRANTED**. Ms. LaPlante is awarded **\$3,612.31** in attorney's fees.

**ORDERED** in Tampa, Florida on May 4, 2020.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge